

1 ANDREW L. PACKARD (Bar No. 168690)
andrew@packardlawoffices.com
2 WILLIAM N. CARLON (Bar No. 305739)
wncarlon@packardlawoffices.com
3 Law Offices of Andrew L. Packard
245 Kentucky Street, Suite B3
4 Petaluma, CA 94952
Tel: (707) 782-4060
5

6 Attorneys for Plaintiff
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE
7

[Additional Counsel on p. 2]
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9 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
10 ROBERT T. MATSUI FEDERAL COURTHOUSE

11 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

12 Plaintiff,

13 v.

14 KATHLEEN ALLISON, in her
official capacity as Secretary
of the California Department of
15 Corrections and Rehabilitation,
16 Defendants.

17 COUNTY OF AMADOR, a public
agency of the State of
18 California,

19 Plaintiff,

20 v.

21 KATHLEEN ALLISON in her
official capacity as Secretary
of the California Department of
Corrections and Rehabilitation;
22 PATRICK COVELLO in his official
capacity of Warden of
23 California Department of
Corrections and Rehabilitation
24 Mule Creek State Prison,
25 Defendants.

Case No. 2:20-cv-02482-WBS-AC
DECLARATION OF KATHERINE
EVATT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY ADJUDICATION

No. 2:21-cv-0038-WBS-AC

Date: August 22, 2022
Time: 1:30 p.m.
Court: 5

Action Filed: Jan. 7, 2021
Trial Date: April 18, 2023

1 JASON FLANDERS (Bar No. 238007)
jrf@atalawgroup.com
2 ERICA MAHARG (Bar No. 279396)
eam@atalafwgroup.com
3 AQUA TERRA AERIS LAW GROUP
490 43rd Street, Suite 108
4 Oakland, CA 94609
Tel. (916) 202-3018

5 Attorneys for Plaintiff
6 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

7 GENE TANAKA, Bar No. 101423
gene.tanaka@bbklaw.com
8 SHAWN D. HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
9 REBECCA ANDREWS, Bar No. 272967
rebecca.andrews@bbklaw.com
10 BEST BEST & KRIEGER LLP
2001 N. Main Street, Suite 390
11 Walnut Creek, CA 94596
Tel: (925) 977-3300

12 Attorneys for Plaintiff
13 COUNTY OF AMADOR
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1 I, Katherine Evatt, make this declaration from personal
2 knowledge. If called, I could and would testify competently as
3 follows:

4 1. I am now, and have been since at least 2020 a member of
5 California Sportfishing Protection Alliance ("CSPA"), the
6 plaintiff in the above-captioned matter.

7 2. I moved to Amador County with my husband in 1979. We
8 made rural Volcano our home in 1980 and have lived there ever
9 since.

10 3. For over thirty years, I have been an advocate for the
11 Mokelumne River. In 1989, I helped found the Foothill
12 Conservancy, a non-profit organization with the mission to
13 protect, restore, and sustain the natural and human environment
14 in Amador and Calaveras counties for the benefit of current and
15 future generations.

16 4. Through my work at the Foothill Conservancy I have led,
17 and been involved with, many projects on the Mokelumne River and
18 its tributaries, including securing California Wild and Scenic
19 River designation for a 37-mile stretch of the river in 2018.

20 5. The Mokelumne River is an extraordinary waterway that
21 provides critical environmental and recreational benefits. Mule
22 Creek and Dry Creek are important tributaries to the Mokelumne
23 River because they provide water to its critical habitat for
24 fall-run Chinook salmon and steelhead trout.

25 6. Though much of my advocacy has been focused on the
26 upper reaches of the Mokelumne, I have been active in protecting
27 water quality in the portions of the Mokelumne downstream of
28 Pardee Reservoir, including in the Mule Creek/Dry Creek

1 watershed.

2 7. In 2002, I was involved in an effort to prevent a
3 mining project from going forward along Dry Creek north of
4 Highway 104 between Collings and Irish Hill roads, next to Mule
5 Creek State Prison. The Amador County Planning Commission
6 approved a use permit, environmental determination, and
7 reclamation plan for the Q-Ranch Mine to extract sand, gravel,
8 and silt from 1930s-era gold-mining dredger tailings, Dry Creek,
9 and surrounding bottom land. On behalf of Foothill Conservancy,
10 I helped appeal the permit, putting the decision on hold while
11 additional studies could be completed. Among the species
12 threatened by this mining project were the valley elderberry
13 longhorn beetle, Ione manzanita, California tiger salamander, and
14 vernal pool invertebrates. The impacts from the mining project
15 would have likely adversely affected downstream steelhead and
16 Chinook salmon.

17 8. From 2010-2013, as Foothill Conservancy board
18 president, I helped develop, plan and oversee the Foothill
19 Conservancy Dry Creek Supplemental Environmental Project to
20 prevent water quality degradation from bank erosion along Dry
21 Creek. Funding for the project came from water quality violation
22 fines paid by the California Department of Corrections and
23 Rehabilitation as a result of wastewater discharge violations at
24 Mule Creek State Prison. Under an agreement with the Central
25 Valley Regional Water Quality Control Board, the fines were
26 directed to Foothill Conservancy to implement a local project
27 with water quality benefits.

28 9. From 2010 to 2012, I worked on the Mokelumne Ecological

1 Benefits Program, led by Environmental Defense, the Sierra Nevada
2 Conservancy, The Nature Conservancy, Protected Harvest, and
3 Sustainable Conservation. This project sought to evaluate and
4 value some of the Mokelumne River watershed's ecological
5 services, and to determine beneficiaries willing to pay to ensure
6 those services continue, or even to enhance them. The project
7 assessed the Mokelumne River watershed from the headwaters to the
8 Delta and focused on water quality and water quantity.

9 10. In 2011, I helped lay the groundwork for a settlement
10 agreement among Foothill Conservancy, California Sportfishing
11 Protection Alliance, and PG&E that would commit PG&E to carry out
12 computer modeling of water temperatures in the Mokelumne River as
13 part of the evaluation of PG&E's proposed Mokelumne Pumped
14 Storage hydroelectric project. Downstream of Camanche Reservoir,
15 cold water is critical to the survival of the river's salmon and
16 steelhead population.

17 11. In 2012, I advocated against the Newman Ridge and Edwin
18 Center mining and industrial projects located in an area that
19 includes rare Valley oak riparian forest along Dry Creek. These
20 projects threatened to have lasting, negative impacts to the
21 local water supply, water quality, aesthetics, noise levels,
22 traffic, air quality, and public health.

23 12. In 2013, the Irish Hill Quarry sought an amendment for
24 their use permit that would allow it to mine closer to Dry Creek
25 and below the level of the streambed. I helped coordinate
26 opposition to the permit expansion with local community members
27 and landowners who wrote letters and made comments to the
28 planning commission and board of supervisors.

1 13. Beginning in 2014 and continuing through 2020, as
2 Foothill Conservancy board president, I helped conceive of,
3 initiate, and oversee work with the East Bay Municipal Utility
4 District, nonprofit groups, businesses, state and local agencies,
5 and tribal interests to explore the potential to restore fall-run
6 Chinook salmon to the upper Mokelumne River. As part of this
7 project, the resulting "Mokelumne Salmonid Restoration Team" team
8 tracked the returns of fall-run Chinook salmon that reached the
9 Mokelumne River Hatchery at the base of Camanche Reservoir and
10 developed a pilot project for reintroducing them into the river
11 above Pardee Reservoir upstream. Water quality from the
12 potential spawning grounds in the upper watershed all the way to
13 the Delta is critical for maintaining a healthy fishery.

14 14. I retired from my formal, volunteer leadership position
15 at Foothill Conservancy in 2020. However, I plan to remain
16 involved with the organization as an active member and as an
17 ongoing senior advisor, providing support to the next generation
18 of people acting to protect the Mokelumne River watershed. As
19 part of this ongoing involvement, I intend to continue working to
20 protect water quality up and down the entire Mokelumne River,
21 including protecting the water quality of its tributaries.

22 15. In addition to my advocacy efforts, I also enjoy
23 birdwatching in the lower Mokelumne River watershed. I have, on
24 many occasions, visited the Consumnes Preserve area and the
25 Woodbridge Ecological Reserve to observe overwintering waterfowl
26 - in particular, I enjoy seeing sandhill cranes. I plan to
27 return to these and other areas in the lower Mokelumne River
28 watershed to birdwatch in the future.

1 16. I am aware that Mule Creek State Prison discharges to
2 Mule Creek. I am aware also that the prison's discharges
3 regularly violate water quality standards, and I believe that the
4 prison continues to discharge pollutants to Mule Creek. I
5 understand that the prison's discharges degrade the water quality
6 of Mule Creek, Dry Creek, and the Mokelumne River by discharging
7 pollutants, including bacteria, metals, and pharmaceuticals.

8 17. As explained above, I have worked for more than 30
9 years to protect the water quality and habitat of the Mokelumne
10 River watershed. Mule Creek State Prison's polluted discharges
11 negatively affect the water quality of the watershed and
12 undermine the work I have done and continue to do.

13 18. I am concerned that the pollutants that the prison
14 discharges into Mule Creek make their way into the Mokelumne
15 River by way of Dry Creek, and harm the fall-run Chinook salmon
16 and steelhead populations I have worked hard to protect.
17 Therefore, again, the discharges negatively impact my efforts to
18 restore these fish populations.

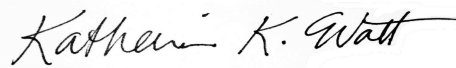
19 19. I am also concerned that when these pollutants enter
20 the Mokelumne River watershed and ecosystem, they harm the
21 numbers of the birds, fish, and mammals that I regularly enjoy
22 and have worked to protect for more than 30 years. The knowledge
23 and existence of Mule Creek State Prison's polluted discharges
24 prevents me from fully enjoying my recreational, aesthetic, and
25 volunteer activities in the Mokelumne River watershed.

26 20. Actions taken by Mule Creek State Prison to reduce or
27 eliminate the pollution it is currently discharging and to comply
28 with its water quality permits would alleviate my concerns about

1 the harms caused by the pollution to the natural environment and
2 would increase my enjoyment from my recreational, aesthetic, and
3 volunteer activities.

4 21. Moreover, remedying Mule Creek State Prison's
5 violations would ensure that the Prison is not degrading the
6 water quality and habitat of the Mokelumne River watershed, which
7 I have worked and continue to work to protect.

8 I swear under penalty of perjury under the laws of both
9 California and the United States that the foregoing is true and
10 correct and that this declaration was executed on June 22, 2022,
11 at Volcano, California.



Katherine Evatt